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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,377	07/23/2003	Kevin L. Parsons	89841	2358

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EXAMINER

VANATTA, AMY B

ART UNIT PAPER NUMBER

3765

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,377

Applicant(s)

PARSONS, KEVIN L.

Examiner

Amy B. Vanatta

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6-31 is/are rejected.
- 7) ☐ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 22-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 is rendered indefinite by the recitation “to re-secure remaining restraint devices after a restraint device has been removed” lines 6-7. The restraint devices have not been previously set forth, and thus it is unclear what restraint devices are being referred to, and the location from which they are being removed is not clear. The relationship between these restraint devices and the previously set forth “police equipment” is also unclear.

In claims 23, 24, and 25, “the plurality of receptacles adapted to receive the prisoner restraint devices” lacks proper antecedent basis since the receptacles were not previously set forth as adapted to receive restraint devices.

Similarly, in claim 26, “the receptacle adapted to receive the prisoner restraint devices” lacks proper antecedent basis since it is unclear which one of the plurality of receptacles this is referring to; i.e. it was not previously set forth that one of the receptacles is adapted to receive restraint devices.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6-8, 12, 13, 15-17, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang (US 5,195,187).

Yang discloses a jacket comprising a plurality of pockets (e.g. 6a, 6b, 10a, 10b) disposed within a secure area of the jacket. As shown in Fig. 1, zipper closures (see openings with zippers, 7a, 7b, 5a, 5b; col. 2, line 67 through col. 3, line) are disposed on each of the plurality of pockets. A V-shaped neck opening is shown in Fig. 1, and the zippers have an orientation which extends away from the neck opening (or “aperture”). The zippers of the zipped closures (7a,7b,5a,5b) open the pockets by being pulled away from the neck aperture, as in claims 1 and 21. The zippers have an orientation such that they clearly are operable with a single hand, as claimed. The jacket has a pair of front panels (1,2) and a back panel (3). Yang discloses that the jacket may include long or short sleeves (col. 2, lines 48-49), as in claim 2. Although Yang does not disclose the use of the garment for law enforcement personnel, such a recitation amounts to the intended use of the claimed structure. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

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The garment of Yang is clearly capable of being used by law enforcement personnel. Similarly, Yang does not disclose the use of the receptacles or pockets to receive police equipment, however such a recitation also amounts to the intended use of the claimed structure. The pockets of Yang have a structure such that they are capable of such a use.

The pair of front panels have a receptacle (see 10a in Fig. 9) on a lower inside surface as in claim 6. This receptacle is capable of carrying prisoner restraint devices. The receptacle further includes a pocket (11 or 10a shown in Fig. 9) capable of carrying plastic or metal handcuffs, as in claims 7 and 8. Yang shows pocket 10a (Fig. 9) on the lower inside surface which is capable of holding a firearm as in claim 12. Pocket 6a (Fig. 9) on the upper inside surface is capable of holding a flashlight as in claim 13. Yang shows pocket 6b (Fig. 8) on the upper outside surface which is capable of holding a small firearm or baton as in claim 15 or 17. Pocket 6a (Fig. 8) on the upper outside surface is capable of holding a flash light as in claim 16.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US 5,195,187) in view of Ost et al (US 5,718,000).

Yang discloses a jacket as claimed, including a receptacle (see 10a or 10b in Fig. 9) on a lower inside surface as in claim 6. This receptacle is capable of carrying prisoner restraint devices. A flap is not shown secured over the receptacle, however, as in claim 9. Ost et al disclose a jacket as claimed, including a receptacle (240) on a lower inside surface of the front panel (see Fig. 5) which is clearly capable of holding a prisoner restraint device. The receptacle 240 has a flap secured over the receptacle (see flap illustrated in Fig. 5). Ost discloses that the fastener is any conventional closure mechanism (col. 4, lines 65-66). Ost also teaches that the detachable fasteners of his invention may comprise hook and loop fasteners (col. 6, lines 27-30). Such flap closures are conventional on pockets due to their convenience, since gravity pulls the flap closed without much further manipulation by the wearer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a flap having a hook and loop strap for fastening the flap which closes over the interior pocket of Yang, such as shown by Ost, in order to provide a covering for the pocket which automatically tends to close due to gravity.

7. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US 5,195,187) in view of Ost et al (US 5,718,000), in further view of Speh (US 1,773,442).

Yang modified in view of Ost discloses a jacket as claimed, including a receptacle on a lower inside surface of the front panel which is clearly capable of holding a prisoner restraint device. The key pocket of claims 10-11 is not disclosed by

Yang or Ost. Speh discloses a jacket including a receptacle on the inner surface of the jacket (see 18 in Fig. 1). The pocket has a flap (19) which includes a small pocket 21 to accommodate small articles (col. 2, lines 17-18). The small pocket could clearly be used to hold keys as in claim 10. Yang does disclose that the interior pockets may be sewn up or partitioned into a few smaller pockets (col. 4, lines 64-66), thus recognizing that smaller pocket may be advantageous. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a small pocket near the flap of the pocket of Yang modified in view of Ost et al in order to permit secure carrying of small items, such as taught by Speh. Although Speh does not disclose that the small pocket has a fastener, pockets commonly are provided with fasteners across the pocket opening. Ost does teach that the pockets of the jacket are closed "using conventional closure mechanisms". One having routine skill in the art would recognize that a zipper is a conventional closure mechanism, such as shown by Yang. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a zipper closure across the opening of the small pocket of Yang modified in view of Ost and Speh in order to provide a secure closure of the pocket, and since zippers are conventionally used to fasten pockets and other garment articles, and since Yang specifically teaches the zippers as fasteners in the garment.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US 5,195,187) in view of Ingrisano et al (US 4,637,075).

Yang discloses a jacket as claimed, however the jacket does not include a loop on the upper inside surface of the panel as in claim 14. Ingrisano et al disclose a vest having pockets on the outside surface and including a loop (see loop 25,60, 62) which is capable of holding a writing instrument. Ingrisano also discloses a loop 96 or 97 on the upper inside surface of the jacket to secure items. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide such a loop on the upper inside surface of the jacket panel of Yang in order to provide additional means for securing items to the jacket, as taught by Ingrisano et al.

9. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US 5,195,187) in view of Goodtrad (US 6,237,152).

Yang discloses a jacket as claimed, however the jacket does not include pockets on the sleeves, as in claims 18 and 19. Goodtrad discloses a jacket (100) with a pair of sleeves (108,110), including a pocket (112) on a first sleeve of the pair of sleeves, as in claim 18. The pocket has a zipper closure (114) which opens in a direction downwards or away from the neck aperture and requires only one hand for use (i.e. the zipper on the sleeve inherently requires only one hand for use since the hand of the arm on which the pocket is placed cannot reach the zipper). The pocket is clearly capable of carrying a spray canister as claimed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide such a pocket on a sleeve of the jacket of Yang in order to provide additional carrying space in the jacket, as taught by Goodtrad. Furthermore, it is within the routine skill in the art to provide such a pocket

on each sleeve, as in claim 19, since this would provide even greater carrying capacity. Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide such a pocket on *each* sleeve of the jacket of Yang in order to provide greater carrying capacity.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US 5,195,187) in view of Tobias (US 5,603,646).

Yang discloses a jacket as claimed, however the jacket does not include a hood as in claim 20. The jacket of Tobias has a hood (86; see Fig. 8) that is stored within the collar of the jacket and can clearly be released by using one hand, by means of zipper 84. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide such a hood in the jacket of Yang in order to provide protection for the wearer's head which is easily deployed when needed, as disclosed by Tobias.

Response to Arguments

11. Applicant's arguments filed 5/15/06 have been fully considered but they are not persuasive with regard to Yang as applied to claims 1, 2, and 6-21. Applicant argues that Yang does not disclose pockets having zippered closures disposed with an orientation that extends generally downwards or away from a neck aperture of the jacket, with a zipper that opens the pocket by being pulled generally downwards or away from the neck aperture so that only a single hand of the user is required to open

each of the closures, as in claims 1 and 21. The examiner notes that the pockets (6a,6b,10a,10b) as shown in Fig. 1 of Yang have zipper closures which open away from the V-shaped neck opening, thus meeting the claimed limitations. Applicant also argues that the receptacles of Yang are of large capacity which are incapable of effectively functioning as a receptacle for police equipment. Although the receptacles of Yang may or may not be of an ideal shape for carrying police equipment, the claim limitations are met in that the receptacles of Yang are clearly capable of carrying such equipment. Applicant also argues that Yang does not show pockets on the inside surface of a first jacket panel and that the pockets referred to by the examiner are on the outside. The examiner notes (as set forth in the rejection above) that Yang shows the pair of front panels as having a receptacle (see 10a in Fig. 9) on a lower inside surface as in claim 6. This receptacle is capable of carrying prisoner restraint devices. Applicant should note that Figs. 7 and 9 of Yang show the inside (interior) of the jacket.

Allowable Subject Matter

12. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 22-31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

14. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).


Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is 571-272-4995. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Amy B Vanatta
Primary Examiner
Art Unit 3765